IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 430 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAHESHBHAI KALIDAS SHAH & 1 - Applicant(s)
Versus
JITENDRA CHIMANLAL PARIKH & 1 - Respondent(s)

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Appearance :
MR IQBAL M MALIK for Applicant(s) : 1 - 2.
RULE SERVED for Respondent(s) : 1,
MR MUKESH A PATEL for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

Date : 01/10/2007

ORAL JUDGMENT :

1. Learned advocate Mr. Kanani states that he has instructions to appear on behalf of respondent No. 1 – original complainant and shall

file his appearance in due course.

2. Learned advocate for the parties state that the parties have settled the dispute as per the compromise and have compounded the offence punishable u/s 138 of the Negotiable Instruments Act and the compromise may be taken on record and the impugned order passed by the trial court and confirmed by the appellate court may be quashed and set aside. The compromise pursis is ordered to be taken on record.

3. The compromise pursis indicates that the petitioner has paid the amount of cheque by Pay Order to the respondent – original complainant and the same has been accepted by him.

4. The parties are personally present before the Court and they state that they have compounded the offence punishable u/s 138 of the Negotiable Instruments Act. The parties state that they have entered into compromise without fear, coercion, threat or undue influence.

5. It appears from the compromise pursis that the parties have compounded aforesaid offence out of their free will, consent and without fear, undue influence or coercion. Therefore, the compromise is required to be accepted.

6. In view of above, compromise is accepted. In view of compounding of the offence by the parties, the judgment and order of conviction passed by learned J.M.F.C., Balasinor on 2-5-2006 in Criminal Case No.597 of 2000 and confirmed by learned Addl. Sessions Judge, Fast Track Court, Nadiad on 28-7-2007 in Criminal Appeal No.20 of 2006 is quashed and set aside. The petitioner is acquitted for the offence charged against him. He is on bail and hence his bail bond stands cancelled. The amount of fine paid by the petitioner is ordered to be returned to him. Rule made absolute to the aforesaid extent.

(Bankim N. Mehta, J.)

/JVSatwara/